

REMARKS/ARGUMENTS

This Amendment is being filed in response to the Office Action dated May 19, 2008. Reconsideration and allowance of the application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-20 are pending in the Application. By means of the present amendment, the claims are amended including for better conformance to U.S. practice, such as deleting reference numerals typically used in European practice that are known to not limit the scope of the claims. Further amendments include correcting certain informalities noted upon review of the claims. By these amendments, the claims are not amended to address issues of patentability and Applicants respectfully reserve all rights under the Doctrine of Equivalents. Applicants furthermore reserve the right to reintroduce subject matter deleted herein at a later time during the prosecution of this application or continuing applications.

Applicants respectfully request the Examiner to acknowledge the claim for priority and receipt of certified copies of all the priority document(s).

In the Office Action, restriction is required as between Groups I, II, and III. In the Office Action, Group I, identified

to include claims 1-9, is alleged directed towards a textile construction; Group II, identified to include claims 10-17, is alleged directed towards a multi-direction proportional input device; and Group III, identified to include claims 18-20, is alleged directed towards a method of forming a multi-direction proportional input device. The Office Action then goes on to allege that the claims are directed to more than one species of the generic invention identifying three different species groups.

The Office Action further alleges that the claims as presented are directed to more than one species of the generic invention and are not so linked as to form a general inventive concept. The Office Action cites as evidence of this allegation that "X" references are cited in the International Search Report alleging that accordingly, the special technical features of the application is anticipated or obvious in view of the prior art.

This restriction requirement is respectfully traversed.

Election of Species Under Traverse

In response and as a formality merely to comply with 37 C.F.R. §1.143, Applicants hereby preliminarily elect a single identified

Group and a single species from each of four designated groups as requested on page 4 of the Office Action, numbered section 6.

Under traverse, the Applicants elect Group I, identified as claims 1-9. Further, in response to the request to select a single species from of identified Species Groups I, II, III, Applicants elect under traverse, Group I, species 4, including claims 1-20 as best as can be discerned; Group II, species 4, including claims 1-20 as best as can be discerned; and Group III, species 1, including claims 1-20 as best as can be discerned.

Arguments in Support of Traversal of Restriction

MPEP §1850 makes clear that in considering unity of invention under PCT Rules 13.1 and 13.2, prior to recitation of prior art that may affect pending claim scope, (emphasis added) "[u]nity of invention has to be considered in the first place only in relation to the independent claims in an international application and not the dependent claims. By 'dependent' claim is meant a claim which contains all the features of one or more other claims and contains a reference, preferably at the beginning, to the other claim or claims and then states the additional features claimed (PCT Rule 6.4)." By definition, each of the dependent claims share a single

general inventive concept with the claims from which each depends and accordingly are excluded from consideration for unity of invention.

In fact, it is respectfully submitted that the very premise of the identified species is flawed in that a simple recitation of a claim feature in open ended claims as presented herein, does not exclude a potential other feature unless those cited features are mutually exclusive. For example, the recitation of "wherein said actuator is formed from a relatively rigid material" as recited in claim 6, does not exclude an embodiment such as "wherein said actuator is formed from one or more of a plastic and rubber" as recited in claim 7.

Since recitation of a feature in the claims as provided in the present patent application does not exclude other features, the claims from the elected species pertain, as identified above, to all of claims of the present application.

It is respectfully submitted that the restriction requirement is in error and is not supportable under PCT Rules 13.1 and 13.2 since each of the claims share a single general inventive concept, namely "a conductive elastomeric material suitable for converting an interaction therewith into a signal; and an actuator cooperative

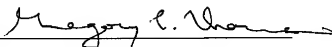
with said conductive elastomeric material including an intuitive user interface configured for user interaction." It is further respectfully submitted that the mere recitation of a reference cited in an International Search Report without identifying how a given reference pertains to the claims is insufficient to uphold that the claims as provided do not pertain to a single general inventive concept. In fact, it is respectfully submitted that each of the presented claims pertain to a single general inventive concept. For example, claim 1 pertains to "a conductive elastomeric material suitable for converting an interaction therewith into a signal; and an actuator cooperative with said conductive elastomeric material including an intuitive user interface configured for user interaction." Similarly, claim 10 pertains to "a conductive elastomeric textile construction including an intuitive user interface configured for user interaction, wherein said intuitive user interface has an actuator cooperative with one or more conductive areas." Further and similarly, claim 18 pertains to a method including "fashioning an interface from a conductive elastomeric textile, said interface including an actuator for cooperating with one or more conductive areas of said interface." As should be clear, each of the

identified groups substantially pertains to a textile construction including a conductive elastomeric material suitable for converting an interaction therewith into a signal and an actuator cooperative with said conductive elastomeric material including an intuitive user interface configured for user interaction. Accordingly, it is respectfully requested that the restriction requirement be withdrawn.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Applicant has made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

By 

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